

**AGREED BOARD ORDER NO. 10-02**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 05212, 05250, & 05403**

This Order is issued by the Louisville Metro Air Pollution Control Board (“Board”) pursuant to Kentucky Revised Statutes Chapter 77. This Agreement is made by and between the Board and American Synthetic Rubber Company, a division of Michelin, North America, Inc., a New York corporation (“Company”).

**COMPANY:** American Synthetic Rubber Company  
4500 Campground Road  
Louisville, Kentucky 40216

**REGULATIONS INVOLVED:**

- 2.16 Title V Operating Permits
- 1.09 Prohibition of Air Pollution
- 1.13 Control of Objectionable Odors

**NOTICE OF VIOLATION LETTERS:** No. 02099, dated August 20, 2009  
No. 02111, dated September 9, 2009  
No. 02132, dated December 29, 2009

**BACKGROUND AND DISCUSSION:**

Company owns and operates a synthetic rubber manufacturing facility located at 4500 Campground Road subject to District Title V Permit No. 154-97-TV.

District Title V Permit No. 154-97-TV became effective on August 31, 2006. One permit condition required Company to conduct a one-time Method 5 performance test for particulate matter (PM) within the first two years of permit issuance. Company’s Method 5 performance test was due no later than August 31, 2008. Company did not perform the test until January 6, 2009, more than four months late. Also, prior to conducting this test, District Regulations required Company to give the Air Pollution Control District twenty-five days notice. Company failed to provide the District with any notification of its intention to conduct the test. Company submitted the results of the January 6, 2009, Method 5 performance test to the District on June 15, 2009, more than sixty days after the test. The test results demonstrated that Company’s PM emissions exceeded its permit limit of 12.72 pounds PM/hour.

A Notice of Violation for these incidents was issued to Company on August 20, 2009. Company conducted a re-test on October 14, 2009. The results of that test demonstrated compliance with the permit limit. Company then submitted the results of both tests to an

independent consultant for analysis. The independent analysis demonstrated to the satisfaction of the District that the January 2009 test results were erroneous.

On March 25, 2009, Company released 5,200 pounds of toluene into the atmosphere. Company reported the release on March 27, 2009, and explained that the release was caused by an increase in steam demand during a period of low production, which resulted in an unprecedented surge of steam into the system. Company reported that its Standard Operating Procedures now include procedures to prevent steam surges in the future.

On or about September 29, 2009, Company emitted an objectionable odor. The odor was strong in intensity and moved beyond Company's property. Company reported that a broken valve was discovered and small amounts of finishing fumes were venting. Company reported that the emission was corrected, and on October 2, 2009, the District verified that the odor was no longer present.

To fully address the violations alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$26,375.

On April 21, 2010, a public hearing was held before the Board on this proposed Order. Based upon the information presented at that hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

**NOW, THEREFORE BE IT ORDERED THAT:**

1. Company shall pay \$26,375 to the Louisville Metro Air Pollution Control District by April 30, 2010.
2. Company has reviewed this Order and consents to all of its requirements and terms. Company agrees to pay the cost of publishing legal notice of the public hearing.
3. In the event that it is necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.
4. This Order fully resolves the violations alleged in Incident Numbers 05212, 05250, and 05403, as alleged above in this Order.
5. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of a violation of an emissions limitation, or of any wrongdoing regarding any of the matters referenced in this Order.

**Air Pollution Control Board Agreement No. 10-02  
American Synthetic Rubber Company**

**April 21, 2010**

Dated this 21st day of April, 2010.

Louisville Metro Air Pollution Control Board

American Synthetic Rubber Company,  
A Division of Michelin, North America,  
Inc.

By: \_\_\_\_\_  
Robert W. Powell, M.D.  
Chair

By: \_\_\_\_\_  
Bradley R. Karas  
Chief Operating Officer

Louisville Metro Air Pollution Control District

By: \_\_\_\_\_  
Paul Aud  
Engineering Manager

Approved as to form and legality:

By: \_\_\_\_\_  
Stacy Fritze Dott  
Assistant County Attorney